

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

MOREHOUSE ENTERPRISES LLC d/b/a)
BRIDGE CITY ORDINANCE *et al.*,)

Plaintiffs,)

v.)

BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS AND EXPLOSIVES *et al.*,)

Defendants.)

)

Case No. 3:22-cv-00116-PDW-ARS

JOINT STATUS REPORT

On February 12, 2024, the Court directed the parties to file a joint status report by May 31, 2024. Minute Order, Feb. 12, 2024 (Doc. No. 138). In accordance with the Court's Order, the parties now respectfully file this Joint Status Report.

1. This case involves an Administrative Procedure Act challenge to a rule issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives, 87 Fed. Reg. 24,652 (Apr. 26, 2022) (codified at 24 C.F.R pts. 447, 478, and 479).

2. In February 2024, Defendants filed an unopposed motion to stay proceedings in this case pending the final disposition of a petition for certiorari in *Garland v. VanDerStok*, No. 23-852 (S. Ct.), a case involving an Administrative Procedure Act challenge to the same rule challenged here. Doc. No. 137. The Court granted the motion and stayed proceedings in this case. Doc. No. 138.

3. Following the Court’s entry of a stay, the Supreme Court granted the certiorari petition in *VanDerStok*. *Garland v. VanDerStok*, __ S. Ct. __, 2024 WL 1706014 (Apr. 22, 2024). The case is set to be briefed during the 2024-25 Supreme Court term.

4. In light of the Supreme Court’s grant of certiorari in *VanDerStok*, the parties respectfully request that the Court continue the present stay of proceedings in this case until the

Supreme Court has finally resolved the claims presented in *VanDerStok*. The interests of the parties and of judicial economy would be well served by continuing the present stay because the Supreme Court's disposition of *VanDerStok* will decide questions of law that will have a controlling (or, at the very least, significant) effect on the claims raised in this case. The parties further respectfully suggest that they file an additional joint status report in this case on or before December 6, 2024.

Dated: May 30, 2024

Respectfully submitted,

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